**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION NO.10534 OF 1997**

**DATED: 15-03-2007**

Between:

G. Chakrapani

.. Petitioner

and

The Singareni Collieries Company Limited, represented by its Chairman and Managing Director at Hyderabad and another

.. Respondents

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION NO.10534 OF 1997**

**ORDER:**

This writ petition is filed seeking a mandamus declaring that the respondents do not have any disciplinary jurisdiction to proceed against the petitioner, after the petitioner has resigned his service on 07.12.1996, and hence issuance of charge sheet No.C28/611 dated 15.04.1997 is without jurisdiction, arbitrary and illegal.

According to the petitioner, he worked as an Assistant Training Engineer with the 2nd respondent- Project Manager, Coal Chemical Complex, Singareni Collieries Company Limited, Mancherial, Adilabad District. As per the appointment order, he is entitled to resign his services by giving three months notice or salary in lieu of notice as per the terms of contract of employment. While working as Divisional Engineer with the 2nd respondent, he submitted his resignation dated 07.12.1996 along with the prescribed form seeking to resign from service with effect from 07.12.1996 and sought for adjustment of un-availed Privilege Leave of 3 months available to his credit, as salary in lieu of notice. Thus, the resignation of the petitioner ought to have been accepted and he should have been relieved from service with effect from 07.12.1996 by the respondents. The petitioner also vacated the quarter allotted to him on 07.12.1996 itself. The petitioner submitted his resignation due to certain domestic problems. Once the

resignation is tendered, the employer would have no control over the petitioner, as the contract of employment would come to an end. The petitioner has not attended to duty with effect from 08.12.1996. While that being so, strangely, the 2nd respondent issued a telegram dated 04.03.1997 stating that the resignation tendered by the petitioner is not accepted and he should report for duty. The petitioner did not respond to the said telegram. Again on 10.03.1997, the 2nd respondent issued another telegram to the petitioner asking him to report for duty, as his resignation was not accepted, and, even if it is accepted, the petitioner has to report to duty after expiry of leave and to receive the relieving orders. Since the resignation of the petitioner is valid in view of the terms of contract of employment, the question of not accepting the same does not arise. Hence, the petitioner did not respond to the said telegram also. While that being so, the 1st respondent issued charge sheet dated 15.04.1997 proposing to initiate disciplinary action against the petitioner for certain alleged irregularities relating to the period from July 1988 to June 1996 and called for his explanation, and fifteen days time was granted for submitting his explanation. According to the petitioner, the respondents do not have any authority of law or jurisdiction to initiate disciplinary action against the petitioner in view of the fact that the contract of employment has come to an end due to the resignation submitted by the petitioner. Therefore, the present writ petition is filed by the petitioner.

While admitting the writ petition on 13.05.1997, an interim order was passed staying all further proceedings pursuant to the impugned charge sheet dated 15.04.1997 issued by the 1st respondent, pending disposal of the writ petition.

Under the impugned charge sheet, it was alleged that the

petitioner committed a misconduct of placing purchase orders of LHD spares on fictitious firm by name M/s Aadu Engineering Trade Centre, Secunderabad, which does not have manufacturing facility or is an authorized dealer of any manufacturing unit and placing repeated/regular orders for spares of LHDs and firm orders on the above Trade Centre for repairs of the accumulators of LHDs without verifying the genuineness of the firm and thereby deviated from the purchase practices to be followed, which is an act of misconduct under rule 5 (1) and 5 (5) of Company's Conduct, Discipline and Appeal Rules.

The sum and substance of the charge sheet is that the petitioner placed purchase orders of a Company, which has no manufacturing facility or is an authorized dealer of any manufacturing unit.

I am of the opinion that enquiring into such misconduct of the petitioner at this point of time, after the petitioner has resigned to his services and left the organization, will not yield any fruitful results. It is not a case of misappropriation etc. Therefore, the impugned charge sheet shall be treated to have been closed.

The writ petition is accordingly disposed of. There shall be no order as to costs.

**C.V. RAMULU, J**

15th March, 2007.
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